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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,773	12/28/2001	Benn Bollay	10547-0016-999	2128

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EXAMINER

BLOUNT, STEVEN

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/040,773

Applicant(s)

BOLLAY ET AL.

Examiner

Steven Blount

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application. (*Prosecution Reopened*)
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-20 is/are allowed.
- 6) ☒ Claim(s) 1-13, 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A. Prosecution is reopened in view of the new grounds of rejection below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 13, and 21 - 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,233,618 to Shannon in view of either one of the following patents, in the alternative: U.S. patent 7,065,082 to Ganesh et al or U.S patent 7,031,297 to Shabtay et al.

With regard to claim 1, Shannon teaches a content routing filter: see Shannon generally and including col 12 line 24; a request for content: see Shannon generally and including col 12 line 59; a first destination address: see Shannon generally and including col 10 line 25; and a list of IP addresses to be filtered: see Shannon generally and col 6 line 13 and table 3.

Shannon does not however teach routing to an output port based on the IP address and list (ie, sending it on or “black hoeing” it if it is to be discarded).

The use of a discard port is taught in detailed description 41 of Shabtay, and port use is discussed throughout Shabtay. Discard ports are taught in Ganesh et al in detailed description par 56 and usage of ports is generally discussed throughout the patent.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Shannon et al with a means for routing to an output port based on the first IP destination address and list, in light of the teachings of either Ganesh et al or Shabtay in the alternative, in order to provide a means for effectively managing the packet data and distributing it appropriately.

With regard to claim 2, see discussion of "blackholing" above and Ganesh and Shabatay generally.

With regard to claim 3, see table 3 and Shannon generally.

With regard to claim 4, see col 13 line 43 and Shannon generally.

With regard to claims 5 – 6, note a gateway is taught in col 13 lines 24+ in Shannon and that BGP is an obvious type of said gateway which would be desirable to use in order to effectuate a fast routing time.

With regard to claim 7, sending the packet to an additional router would be obvious in view of the fact that it is performed once before such that multiple stages of filtering may be performed and greater granularity achieved.

With regard to claim 8, this would be obvious in view of the use of SNMP (as discussed in col 9 lines 35+ of Shannon) and its well known management/feed back functions.

With regard to claims 9 – 13, see table 3 and Shannon generally.

With regard to claims 21 - 22, the operations of all 3 cited references occur under the operation of a CPU (see also detailed description of Ganesh, par 82 where a cpu is recited), see discussion of ports above, and note discussion of operating system in

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Shannon, basic summary of text par 12 and further note these are all well known network elements discussed in the above references generally.

With regard to claim 23, see brief summary of text paragraph 15 in Shannon for discussion of software implementation and Shannon generally. Note that software is also discussed in the other cited references, and it would be obvious to implement the invention under software control in order to insure its repeatability.

3. Claims 14 – 20 are allowed.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 703-305-0319. The examiner can normally be reached on M-F 9:00 - 5:30.

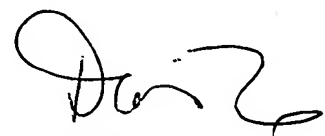
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached on 571 – 272 - 7629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SB



1/8/06



DORIS H. TO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600